

Wiley Files *Amicus* Brief in Support of Request of Writ of Certiorari to Protect Prisoners' Religious Freedom

June 6, 2022

Washington, DC – Wiley, a preeminent DC law firm, submitted an *amicus* brief to the U.S. Supreme Court on behalf of the Jewish Coalition for Religious Liberty (JCRL), Agudath Israel of America, and the Aleph Institute urging the Court to restore an understanding of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-2000cc5 (RLUIPA), that offers broad protection for religious liberty.

The brief supports Petitioner—a Muslim prisoner who was denied accommodation to grow an untrimmed beard—in his request for review of the Eleventh Circuit's decision in *Lester J. Smith vs. Timothy C. Ward, Commissioner, Georgia Department of Corrections*. The *amicus* brief argues that the Eleventh Circuit's decision relaxed RLUIPA's protections for prisoners and made it harder for them—and particularly prisoners who are part of a religious minority—to practice their faith. The brief also argues that the Georgia Department of Corrections failed to present adequate evidence that the requested beard-length accommodation created an actual risk and it chose to ignore policies or religious accommodations offered at other prisons.

"This relaxing of the applicable standard of review—in both of the ways that the Eleventh Circuit did—threatens to make it more difficult for any incarcerated person, and especially religious minorities, to prevail under RLUIPA and to obtain accommodations for substantial burdens on their religious exercise," the *amicus* brief states. "If allowed to stand, the Eleventh Circuit's ruling weakens the strict-scrutiny standard required by RLUIPA and reduces RLUIPA's intended protections for all incarcerated persons and religious minorities

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The Wiley team representing the Jewish Coalition for Religious Liberty, Agudath Israel of America, and the Aleph Institute on a pro bono basis included associate Krystal Swendsboe as Counsel of Record, partner Stephen Obermeier, and associates Natalia Szlarb, and Ashlyn Roberts.